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Tratado de Derecho Politico. Por ADOLFO POSADA, Profesor en la Universidad de Oviedo. Tomo Primero: *Teoria del Estado.* Madrid, Libreria de Victoriano Suarez, 1893. — 426 pp.

This volume is a welcome contribution to political science. What Bluntschli has done for German, and Burgess and Woolsey for English-American, Posada has begun for Spanish political philosophy. Posada has been a close student of Bluntschli, Spencer, Ihering, Giner and Burgess, following in the main the method of Bluntschli's *Theory of the State*. While he is indebted to Spencer in the department of sociology, he combats the Englishman's individualistic conceptions. A special feature of the work is the steady use the author makes of the historical method, and his copious references to the literature of the subject. The bibliographical appendix renders the work most valuable as a book of reference to the original authorities, both on the general subject and on the special topics of the various chapters.

The present work is intended to be the first part of a comprehensive treatise on political science and public law. The title, *Derecho Politico*, of which the nearest English equivalent is "political law," is used to include both the theory of the state, treated in the present volume, and constitutional law, the prospective title of volume second. The concept of the state, its origin and its nature, the author holds, must first be considered, because it is only by a study of these in the light of modern sociology that we can reach the social character of the state in its juridical aspect. In the second part he proposes to complete the consideration of public law by a comparative study of constitutional law and the philosophical theories involved in the constitutions of the principal states of Europe and America.

Posada's exposition of the ultimate nature of the state exhibits the modern historical and sociological spirit. He gives full weight to the results of recent investigations into the characteristics of primitive society, as well as to developments of political history among the civilized peoples of the earth. The evolution of political society is not identical, he holds, though it is parallel, with that of the family. One is as necessary and inevitable as the other, though each is the outcome of a distinct necessity of human life. As one is related to the facts of sexual union and blood relationship, the other rests on social union and common needs and desires. But while political society is an outcome of inherent qualities of man as a material being, the state cannot be conceived as a mere mechanical or physio-

logical result of natural agencies ; nor, on the other hand, must it be conceived as a pure product of the human will. It is a sociological product of both physical nature and human volition. It answers to an external as well as to an internal necessity ; for it is impossible to conceive a state apart from a basis in physical nature, and this implies geographic adaptation. This adaptation, which defines the social groups, according to Burgess, in "geographic and ethnic unities," limits the completer historical manifestation of the state. It conditions the state's action in the sphere of law. The nation, therefore, considered as an expression of these unities, cannot be regarded as necessarily the final manifestation of the state.

The federal state is considered by the author to be the most perfect of the forms of union through which the evolution of political society proceeds. The underlying principle of such a state is not the compact out of which the union takes form, but the existence of a historically-developed people prior to the pact. Where the compact is the primary source of the union, there is a confederation of states, not a federal state. The latter, to use Bruniati's classification, represents a juridical-organic, the former only a historical-political union. The juridical-organic conception is essential to the state in its fullest definition.

In defining the end of the state Posada makes clear the distinction between state and government. The end of the state is the realization of justice. In pursuance of this end, it is the function of the state to determine by law the juridical relations which shall exist between employer and employee, or between state and municipality, or in the sphere of public morality and education. The scope of state activity is made by the author rather wide, though subject always to the limitations of justice.

But it is not to the government that is ascribed the manifestation of all the power that is inherent in the state. Posada sees in the governmental organization but one element of the many through which the state is revealed. His treatment of the function of public opinion in the evolution and action of the state is abreast of the best modern thought on the subject, and there is sound and suggestive political science in his contention that the electoral franchise, far from containing the essence of political power, is but one mode, and not necessarily the most perfect or the most effective, of condensing public opinion. It is easy enough, when attention is called to the matter, to recall any number of instances in which the social force has been concentrated and given direction by the government

or the press or by other means, long before the lagging electoral machinery has expressed the feeling of that part of the state which has the right to vote.

In his discussion of the modern state forms Posada adopts the now common classification of republics and monarchies, subdivided into the parliamentary and the presidential types. His work is a valuable evidence of the spread of sound ideas in political science.

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The Development of the Athenian Constitution. By GEORGE WILLIS BOTSFORD, Ph.D. Cornell Studies in Classical Philology, No. IV. Boston, Ginn & Co., 1893. — 249 pp.

This is a volume constructed on a system. The author has a thorough belief in the continuity of Aryan tradition in the various cognate races, and feels confident that he may justly predicate of Greece a custom or usage which he finds among the Hindoos, if it bears a primitive character. The principle has been used and abused before. Fustel de Coulanges, Schrader and others have used it; our author thinks that it has been abused when it has been extended beyond the Aryan peoples, and made the basis for inferences from any barbarous tribes, without regard to their nationality, their origin or their habitation. Apparently he will not admit that human nature is largely the same under primitive conditions, and that it works its way from infancy to settled age along lines that are similar because they are human.

In order to carry out his system to a logical conclusion he lays the foundation of the Athenian constitution by tracing the primitive customs and usages of the Aryan peoples, especially the Hindoos, the South Slavonians, the Romans and the Greeks, and he devotes a chapter to the "Patriarchal Theory," another to the "Aryan Gens," a third to the "Grecian Gens," and a fourth to the "Phratry and Phyle," before beginning definitely upon the Athenians. Here the general principles are secured which are to solve the intricacies and the doubts, and to supply the lack of information, which have been the torment and the despair of many a historian. In some respects it recalls the royal road built from capitol to capitol without swerving a hair's breadth from the straight line, and without regard to towns that lay off its route. It has its advantages for the through traveler, but it presents some difficulties to the one who wishes to take in the whole district. Not that exception can be taken to this